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TAGS: [ENRG](#) [SENV](#) [EINV](#) [EAID](#) [PREL](#) [AF](#)
SUBJECT: Trans-boundary Water Issues: Slow but Sure Progress

REF: A. 09 Kabul 3639
[1](#)B. 09 Kabul 2933
[1](#)C. 09 Tashkent 001513

Classified By: CDDEA Ambassador E. Anthony Wayne for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: Afghanistan's Ministry of Energy and Water (MEW) in concert with the Ministry of Foreign Affairs (MFA) is leading an effort to address trans-boundary water rights. While Afghanistan remains reluctant to engage fully with its neighbors on this issue, USG-supported training is improving the outlook for dialogue by building capacity in relevant Afghan ministries. An internal GIROA review of policy and treaties has raised questions about the status of Afghanistan's 1973 water treaty with Iran, with Afghan officials claiming Iranian "conspiracies" are casting doubt on what they contend is a ratified agreement. While hampered by the lack of trans-boundary water agreements, donors are developing coordinated water strategies with GIROA and each other. Afghan officials have made considerable progress since August 2009, when many flatly refused to discuss trans-boundary water issues, even with donors offering assistance. If left unaddressed, GIROA's failure to address these issues will limit its ability to develop fully the water infrastructure Afghanistan needs. The U.S. Mission believes SCA/RA's exploration of regional program opportunities constitutes an opportunity to widen Afghanistan's engagement on cross-border water questions. End summary.

Building Afghan Capacity and Reviewing Policy

[1](#)2. (U) On January 21, a USAID-funded advisor embedded at the MEW began classes aimed at raising Afghan ministerial capacity on the trans-boundary water issues. (Note: The start of classes was delayed three days due to the January 18 Taliban attacks in Kabul. End note.) The classes include participants from MEW, MFA, the Ministry of Interior, the Ministry of Border and Tribal Affairs, and the Ministry of Justice. The planned curriculum addresses:
--trans-boundary water issues worldwide;
--Afghanistan's trans-boundary water concerns;
--conflict and cooperation;
--perspectives on the use of water and understanding downstream needs;
--international water law: principles and practice; and
--treaty law, including case studies.

Eighteen officials are attending the training (eight from MEW, four from MFA, and two each from the Ministries of Interior, Borders and Tribal Affairs, and Justice.) The courses are expected to continue for two to three months, with additional time available at the officials' request.

[1](#)3. (C) The MEW also plans a legal review of Afghanistan's current international water agreements in cooperation with a senior inter-ministerial council. The MEW will then select pilot inter-boundary water infrastructure projects with input from the United States and other donors and use these projects as an opportunity to continue to build expertise within MEW. (Comment: The U.S. Mission recently approved an MFA request for an additional trans-boundary water advisor. USAID is reviewing suitable candidates. End comment.)

14. (C) As an example of the difficulty of water issues for GIROA, lingering doubts surround the validity of the 1973 treaty with Iran to share water from Afghanistan. The USAID-funded advisor at MEW reports that so far no one at the Afghan MFA or MEW can prove that the treaty was ratified by both countries. The advisor has recommended, through MEW leadership, that MFA find the original of the treaty and register it with the UN, to ensure that it is internationally recognized. She notes, however, that conspiracy theories are rife at both ministries: Afghan officials believe that Iran is spreading rumors that the treaty was never ratified and suggest that Iran is not above making any Afghan or Iranian copies disappear. As "evidence" that the treaty is in force, Afghan officials point to the quarterly meetings of the bilateral Helmand River Commission, but this is not proof in itself of treaty ratification. Moreover, the actual water quantities set out in the treaty text have never been enforced, and Iran takes more water from the Helmand River than its allowance under the treaty.

Balancing Momentum with Caution
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15. (C) GIROA representatives still hesitate to support any discussion on trans-boundary water issues in any international context. The GIROA position on trans-boundary water remains that it does not have enough technical negotiating capability nor enough projects built up to start talking with its neighbors. MEW Deputy Minister Ziaie, who also chairs the Technical Secretariat of the Supreme Council for Water Affairs Management, recently underscored GIROA's desire that its neighbors and the international community show understanding for Afghanistan's turbulent history and allow it to build up infrastructure before applying international trans-boundary norms. The USAID-funded technical advisor at MEW sympathized privately, but

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added "in international negotiations, 'it's not fair' doesn't count for much."

16. (C) GIROA, in the past, has rebuffed invitations to regional water meetings for fear of being pressed to provide more water access to Central Asian neighbors. Ministries are now beginning to selectively accept invitations for international water meetings. Deputy Minister Ziaie accepted invitations to Almaty and Dushanbe this year to observe Central Asian cooperation on the Ural Sea. Tajikistan's position as a less developed Central Asian republic and its status as an upstream neighbor has fostered cooperation between Afghanistan and Tajikistan on water issues. For example, MEW contacts report that the Tajiks have suggested a cross-border water-sharing agreement for drought areas, where water from tributaries on one side of the Amu Darya will be piped to dry areas in the bordering country, avoiding the expensive pumping requirements to move water from the Amu itself.

17. (C) The Afghan government is still avoiding some international fora where water rights issues might be raised, however. The MFA recently declined an East-West Institute invitation to Pakistan to attend an Abu Dhabi-funded bilateral confidence building meeting on water issues. A USAID-funded advisor to interim Minister of Energy and Water Ismail Khan told us that Khan is unwilling to consider talking with neighbors about water sharing without a complete and concrete plan of donor-funded projects; meanwhile, however, donors are unable to create long-term water and hydropower project plans since they lack confidence that the Afghan government will be able enter into talks with neighbors.

More Work Ahead
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18. (U) Hiring an additional USAID advisor for MFA will allow GIROA to build on recent progress in opening up water dialogues. The advisor now in place at the MEW is also investigating training opportunities available through the UN and other donors, to supplement the courses she is teaching to GIROA officials. UNAMA is eager to support the effort through liaison with its Central Asia Regional Office of Conflict Prevention, the Mediation Support Unit, and UNESCO. The UNAMA representation in Kabul offers a strong base of water expertise through its network of UN agencies and past work in the region.

¶9. (U) A draft Embassy Kabul Interagency Water Strategy targets the most important areas for progress in the Afghan water sector:

- Improving irrigation will increase agricultural productivity.
- Using soil and water conservation will complement water storage and irrigation improvements.
- Expanding access to clean water will improve sanitation, health, and productivity.
- Utilizing hydropower (one of Afghanistan's greatest comparative advantages relative to its neighbors) will help meet a vast need for electrification, while offering the potential of better flow management for downstream neighbors.
- Improving overall government and management will better ensure sustainability of all sector activities.

However, large scale projects in any of the above areas will require GIROA's political will and technical skill to resolve regional transboundary issues, and therefore this last theme is also part of the strategy.

Comment

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¶10. (C) At present, new water projects in Afghanistan are limited to the renovation of existing structures or smaller-scale projects until new trans-boundary agreements are in place. Afghanistan's neighbors are distrustful of development in Afghanistan that could limit the water they receive. On the other hand, some Afghan officials feel that the international community is unnecessarily delaying investment over the issue of trans-boundary rights, that its neighbors "owe" Afghanistan a grace period to develop, and that starting negotiations before building infrastructure will put Afghanistan at a strategic disadvantage. The U.S. Mission thanks SCA/RA for exploring regional program opportunities on trans-boundary water issues and believes this constitutes a solid approach to widening Afghanistan's views on solutions to cross-border water questions. We look forward to working with you. End comment.

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